IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIRST DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION Nos : 10084 and 12714 of 2004

W.P.No.10084 of 2004

Between:

M/s.AurobindoPharma Ltd.ACompany incorporate under the Companies Act,1956Having itsRegistered andAdministrative OfficeAtPlotNo.2,Maitrivihar,Ameerpet,Hyderabad being rep by itsManager-Legal and G.P.A Holder Mr.K.K.Sastry,S/o. K.R.Sastry,aged42yrs,Occ:Employee,R/o.O/O.M/s.Aurobindo Pharma Ltd. Ameerpet, Hyderabad.

..... PETITIONER

AND

1 M/s. Transmission Corporation of A.P.Limited, (APTRANCO) a company incorporated under the companies Act, 1956 and wholly owned by Government of A.P. being rep by its Managing Director, Vidyut Soudha, Khairatabad, Hyderabad.
2 The Director(Commercial), M/s. Central Power Distribution Company of A.P. Ltd. (APCDCL), Singareni Bhavan, Red Hills, Hyderabad.
3 The Superintending Engineer, Operation Circle, M/s. Central Power, Distribution Company of A.P. Ltd. (APCPDCL), Sangareddy, Medak.
4 Senior Accounts Officer, Operation Circle, M/s. Central Power Distribution Company of A.P. Ltd. (APCPDCL), Sangareddy, Medak.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of Mandamus by declaring the action of respondents in levying Demand charges at 12 % extra over normal rate, that is at Rs. 218-40 per KVA instead of Rs. 195 per KVA, and Energy

charges at 10 % extra over normal rate, that is at Rs. 3-85 per unit instead of Rs. 3-50, totaling to Rs. 4,07,131/- in the HT C.C. Bill dated 26-5-2004 issued for the month of May, 20047 to the petitioner's service connection MDK-644, existing at petitioner's unit situated at Chitkul Village, Patancheru Mandal, Medak District, as arbitrary, illegal and consequently set aside the said illegal and arbitrary, illegal and violation of Article 14 of the constitution of India, and consequently set aside the said illegal and arbitrary levy.

W.P.NO : 12714 of 2004

Between:

M/s. Aurobindo Pharma Limited, A Company incorporate under the Companies Act, 1956
Maitrivihar, Ameerpet, Hyerabad being rep. by its Manager- Legal and G.P.A. Golder Mr. K.K. Sastry, S/o. K.R. Sastry,
Age 42 Yrs, OCC: Employee, R/o. M/s. Aurobindo Pharma Ltd., Ameerpet, Hyderabad.

..... PETITIONER

AND

1 M/s. Transmission Corporation of A.P. Limited, (APTRANSCO) a Company incorporated
under the companies Act, 1956 and wholly owned by Government of A.P. being rep. by its Managing Director
Vidyut Soudha, Khairatabad, Hyderabad.
2 The Director (Commercial) M/s. Central Power Distribution
Company of A.P. Limited, (APCPDCL), Singareni Bhavan, Red HIlls, HYderabad.
3 The Superintending Engineer, Operation Circle, M/s. Central Power Distribution Company of A.P. Limited, (APCPDCL), Sangareddy, Medak.
4 Senior Accounts Officer, Operation Circle, M/s. Central Power Distribution Company of A.P. Limited, (APCPDCL), Sangareddy, Medak.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly in the nature of Mandamus by declaring the action of respondents in levying Demand Charges at 12% extra over normal rate, that is at Rs.218-40 per KVA instead of Rs. 195 per KVA, and Energy charges at 10% extra over normal rate, that is at Rs.3-85 per unit instead of Rs.3-50, totaling to Rs. 4,20,313/- in the HT C.C. Bill dated 26/6/2004 issued for the month of June, 2004 to the petitioners service connection MDK-644, existing at petitioner's unit situated at Chitkul village, Patancheru Mandal, Medak District, as arbitrary, illegal and violation of Article 14 of the Constitution of India, and consequently set aside the said illegal and arbitrary levy,

Counsel for the Petitioner:MR.M.LAXMINARASIMHAM

In Both the writ petitions

Counsel for the Respondents : SMT.M.VINOBHA DEVI

In both the writ petitions.

The Court made the following Order:

COMMON ORDER:

Heard both sides. The issue involved in these two writ petitions is one and the same, and hence, they are disposed of by a common order.

It is represented on either side that the question involved in these two writ petitions is squarely covered by an order of this Court in W.P.No.13278 of 2004 dated 23-08-2004, wherein the Court set aside the impugned letter of demand and allowed the writ petition with liberty to the respondents therein to issue a fresh notice and pass orders after taking into consideration the material or evidence filed in support of their respective contentions. It is also held that the petitioner shall pay the charges as if the supply is at 11 KV.

Following the same, these two writ petitions are allowed in terms thereof. No costs.

01-09-2004

gj

To

1 The Managing Director, M/s. Transmission Corporation of A.P.Limited, (APTRANCO) a company incorporated under the companies Act, 1956 and wholly owned by Government of A.P., Vidyut Soudha, Khairatabad, Hyderabad.
2 The Director(Commercial), M/s. Central Power Distribution Company of A.P., Ltd. (APCDCL), Singareni Bhavan, Red Hills, Hyderabad.
3 The Superintending Engineer, Operation Circle, M/s. Central Power, Distribution Company of A.P. Ltd. (APCPDCL), Sangareddy, Medak.
4 Senior Accounts Officer, Operation Circle, M/s. Central Power Distribution Company of A.P. Ltd. (APCPDCL), Sangareddy, Medak.

5 Two C.D. copies.